

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**REYNOLDS AND REYNOLDS  
COMPANY,**

**Plaintiff,**

**Case No. 3:12-cv-077**

**Judge Thomas M. Rose**

**-v-**

**DeSIMONE MOTOR VEHICLES, INC.,**

**Defendant.**

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**REMAND ORDER**

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This case was originally filed in the Court of Common Pleas of Montgomery County, Ohio and was subsequently removed to this Court. The Parties then filed a Joint Motion for Leave To File Amended Pleadings and for Remand. (Doc. #21.) Therein the Parties indicated that they wish to amend their respective pleadings after which this Court would no longer have subject matter jurisdiction.

Without reviewing the amended pleadings, this Court could not confirm that it no longer had subject matter jurisdiction. Therefore, the Parties were given thirty (30) days to file their amended pleadings which they have now done. Plaintiff Reynolds and Reynolds Co. (“Reynolds”) file a proposed Amended Complaint attached to a pleading on April 1, 2013, and Defendant DeSimone Motor Vehicles, Inc. filed a proposed Amended Answer and Counterclaim attached to a pleading on April 2, 2013. The Court has ordered that both the Amended Complaint and Amended Answer and Counterclaim be docketed so they are on the record.

Reynolds’ original Complaint was removed to this Court on March 12, 2013, based upon this Court having subject matter jurisdiction due to a diversity of citizenship. However,

Reynolds' Amended Complaint, that has now been filed, indicates that the amount in controversy is less than \$75,000, thereby destroying subject matter jurisdiction based upon diversity of citizenship. Therefore, because this Court no longer has subject matter jurisdiction, this matter is remanded to the Court of Common Pleas of Montgomery County, Ohio. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio this Third Day of April, 2013.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record